

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	KEITH O. COWAN ET AL)	
)	
SERIAL NO.:	10/743,848)	ART UNIT:
)	2165
FILED:	December 22, 2003)	
)	
FOR:	METHODS, SYSTEMS AND STORAGE)	EXAMINER:
	MEDIUM FOR DISTRIBUTING CONTENT)	Pulliam
	BASED ON USER COMMUNITIES)	

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR PRE-APPEAL BRIEF CONFERENCE

In response to the Final Office Action mailed October 3, 2008, and in conjunction with the concurrently filed Notice of Appeal, Applicants request a Pre-Appeal Brief Conference in view of the following remarks.

REMARKS

In response to the final Office Action dated October 3, 2008, Applicants respectfully request reconsideration in a Pre-Appeal Brief Conference based on the following remarks. Reconsideration and allowance of the claims are respectfully requested in view of the following remarks.

Claims 1-4, 6-10, 12-17, 19, 20 and 22-25 were rejected under 35 U.S.C. § 103 as being unpatentable over Knight in view of Pea and Lynn. This rejection is traversed for the following reasons.

Claim 1 recites, *inter alia*, "storing the broadcast television programming on a consumer digital video recorder accessible over a consumer network in communication with the distribution network without the consumer initiating the storing, the storing based on the community the consumer joined and the community interest in the content." None of Knight, Pea and Lynn teaches or suggests these features.

Knight fails to teach "storing the broadcast television programming on a consumer digital video recorder accessible over a consumer network in communication with the distribution network without the consumer initiating the storing, the storing based on the community the consumer joined and the community interest in the content." In Knight, a user is directed to newsgroups or message boards based on interests, but Knight is not related to broadcast television programming and storage on a consumer digital video recorder.

Further, Knight does not teach or suggest storing content on a consumer device without the consumer initiating the storing, the storing based on **community interest in the content**. In Knight, messages corresponding to information categories of interest to a particular user are downloaded automatically. Knight expressly teaches that these automatically downloaded messages are of "most interest to the particular user." (Column 6, lines 32-38). There is no teaching in Knight that content is automatically downloaded based on **community interest in the content**. In other words, Knight performs the automatic download based on the interests of a single particular user. Claim 1, by contrast, stores content without the consumer initiating storage based on community interest in the content, not just a single user.

Pea was relied upon for allegedly disclosing a grid computing platform, but fails to cure the deficiencies of Knight discussed above.

Lynn teaches a system for collecting video from a multitude of sources and indexing the video on a central repository. Users can then locate video of interest through a search index. As described in column 15, lines 22 – 42, the user can browse or search through the index of video. There is no automatic delivery to the user. The video is automatically collected and indexed to the central content distribution network. There is no “storing the broadcast television programming on a consumer digital video recorder . . . without the consumer initiating the storing. Further, Lynn makes no reference to using “community interest” in content and thus cannot teach “storing based on the community the consumer joined and the community interest in the content.”

None of Knight, Pea and Lynn teaches or suggests “storing the broadcast television programming on a consumer digital video recorder accessible over a consumer network in communication with the distribution network without the consumer initiating the storing, the storing based on the community the consumer joined and the community interest in the content.” Thus, even if Knight, Pea and Lynn are combined the features of claim 1 cannot result.

For at least the above reasons, claim 1 is patentable over Knight in view of Pea and Lynn. Claims 2, 3, 6, 24 and 25 variously depend from claim 1 and are patentable over Knight in view of Pea and Lynn for at least the reasons advanced with reference to claim 1.

Claims 7, 14 and 22, as amended, recite features similar to those discussed above with reference to claim 1. As discussed above with reference to claim 1, Knight and Pea and Lynn fail to teach these features and claims 7, 14 and 22 are patentable over Knight in view of Pea and Lynn for at least the reasons advanced with reference to claim 1. Claims 8-10, 12 and 23 are dependent upon claim 7 and are patentable over Knight in view of Pea and Lynn for at least the reasons advanced with reference to claim 7. Claims 15, 16 and 19 depend from claim 14 and are patentable over Knight in view of Pea and Lynn for at least the reasons advanced with reference to claim 14.

Claims 5, 11 and 18 were rejected under 35 U.S.C. § 103 as being unpatentable over Knight in view of Pea and Lynn and Levinson. This rejection is traversed for the following reasons.

Levinson was relied upon for disclosing billing a consumer upon the consumer accessing content, but fails to cure the deficiencies of Knight and Pea and Lynn discussed above. Levinson fails to teach "storing the broadcast television programming on a consumer digital video recorder accessible over a consumer network in communication with the distribution network without the consumer initiating the storing, the storing based on the community the consumer joined and the community interest in the content." Claims 5, 11 and 18 depend from claims 1, 7 and 14 and are patentable over Knight in view of Pea and Lynn and Levinson for at least the reasons advanced with reference to claims 1, 7 and 14.

In view of the foregoing remarks and amendments, Applicants submit that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130.

Respectfully submitted,

By: 

David A. Fox
Registration No. 38,807
CANTOR COLBURN LLP
20 Church Street
22nd Floor
Hartford, CT 06103
Telephone (860) 286-2929
Facsimile (860) 286-0115
Customer No. 36192

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